



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5559 OF 2022

Smt. Nirmala Digambar Karange,
Aged about 45 years,
Occupation : Household,
R/o Kata, Washim, Tah. and District
Washim

PETITIONER

VERSUS

1 The Divisional Commissioner, Amravati
Division, Amravati

RESPONDENTS

2 The Collector, Washim, District Washim,

3 The Sub-Divisional Officer, Washim,
District – Washim

4 The Tahsildar, Washim, District Washim

Mr. Rahul N. Ghuge, Advocate for Petitioner

Mrs. Deepa Charlewar, AGP for Respondent Nos.1 to 4

CORAM: SACHIN S. DESHMUKH, J.

DATED : 31st JULY, 2025

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with the consent of the parties.

2. The petitioner was elected as Sarpanch of Grampanchayat Kata in the elections held on 18.01.2021. Thereafter, as mandated by Section 14(b)(ii) of the Maharashtra Village Panchayat Act, 1959,

petitioner was supposed to lodge an account of election expenses within the time frame with the State Election Commission, but the same was not complied with. As such, notice in that regard was served upon the petitioner. In response to the said notice, a detailed reply was offered by the petitioner stating that it was during Covid surge and as such could not travel and reach to the district place therefore, expenses could not be lodged. Hence, Section 14-B(2) of the Act provides for the authority to appreciate reasons or justification rendered for such failure and it was incumbent upon the District Collector to appreciate the aforesaid fact. However, ignoring the same the order is rendered disqualifying the petitioner.

3. Aggrieved by the same, the petitioner presented an appeal, same is also rejected by the Divisional Commissioner. Therefore, present petition. The contentions put-forth on behalf of the petitioner is that the response submitted by the petitioner ought to have been taken into account. There is no application of mind by the District Collector. In view of Section 14-B(1)(e) of the Act, the reasons or justification provided was that due to the nation wide lockdown due to Covid surge, the petitioner could not approach the District Collector. The same is a reasonable justification.

4. The reliance placed on the judgment reported in *(2020) 12 SCC 186, Laxmibai Vs. Collector, Nanded and others*, para 10 and 20 are

reproduced as under :

“10. We do not find any merit in the argument that Section 14B of the 1959 Act is mandatory. Sub-section (1) of Section 14B of the said Act empowers the State Election Commission to pass an order of disqualification of a candidate, if the candidate fails to lodge account of election expenses for lack of good reason or without any justification. Such satisfaction is required to be recorded by the Election Commission. The disqualification for a period of five years is not necessary consequence of merely not filing account of election expenses. Still further, subsection (2) empowers the State Election Commission for reasons to be recorded, remove any disqualification under sub-section (1) or reduce the period of any such disqualification. Since authority is vested with power to reduce the period of disqualification, therefore, makes the provision directory.

20. The disqualification of a candidate for five years passed under Section 14B of the 1959 Act leads to disqualification for future election as well. Though, Section 14B of the 1959 Act empowers the Commission to disqualify a candidate for a period not exceeding five years from the date of the order, but to pass an order of disqualification for five years, which may disqualify him to contest the next elections as well requires to be supported by cogent reasons and not merely on the fact of not furnishing of election expenses. We find that the order of disqualification for a period of five years is without taking into consideration the extent of default committed by the appellant and that the will of people is being interfered with in the wholly perfunctory way. We find that such mechanical exercise of power without any adequate reasons, though required to be recorded, renders the order of disqualification for a period of five years as illegal and untenable. It is abdication of power which is coupled with a duty to impose just period of disqualification. Therefore, though the appellant could be disqualified for a period upto five years, but we find that such period of disqualification must be supported by tangible reasons lest it would border on being disproportionate.”

5. Therefore, the fact that petitioner was prevented from lodging account of election expenses due to justifiable reason, on account of nation wide lockdown, due to surge of Covid is completely ignored by authorities below. Nevertheless, when subsection 1 of Section 14 B is held to be directory by the Hon'ble Supreme Court in the case of

Laxmibai (supra). Thus order under challenge is rendered in violation of Section 14-B(1) of the said Act. Accordingly, order under challenge is quashed and set aside. The matter is remitted to the concerned authority to decide it after hearing the petitioner in the light of the observations recorded herein above.

6. The petitioner shall appear before the District Collector on 14.08.2025.

7. The concerned authority to hear and consider the explanation put-forth by the petitioner and pass appropriate orders in that regard. As such petition is partly, allowed.

Rule is absolute in terms of aforesaid observations.

(SACHIN S. DESHMUKH, J.)

MP Deshpande